

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PEARSON EDUCATION, INC., :
JOHN WILEY & SONS, INC., :
CENGAGE LEARNING INC., AND :
THE MCGRAW-HILL COMPANIES, INC., :

Plaintiffs, :

-against- : 08 Civ. 3599 (SHS)

AHMED SHOWMAN D/B/A ABOLEBAS :
D/B/A MODERN BOOKS D/B/A :
THE LAST PHAROAH AND :
JOHN DOES NOS. 1-5, :

Defendants. :

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FINAL JUDGMENT AND PERMANENT INJUNCTION
BY CONSENT

IT IS HEREBY STIPULATED and agreed by and between
the parties, conditional upon the approval of the Court,
that it is

ORDERED, ADJUDGED AND DECREED that defendant
Ahmed Showman, doing business as "Abolebas," "Modern
Books," and "The Last Pharoah," and his agents, servants,
and employees, and all those acting in concert with him, if
any, are hereby PERMANENTLY ENJOINED from (i) infringing
the registered copyrights and trademarks of plaintiff
Pearson Education, Inc. ("Pearson"), identified on
Schedules A and D hereto, the registered copyrights and

8/13/08

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 6/13/08

trademarks of plaintiff John Wiley & Sons, Inc. ("Wiley"), identified on schedules B and E hereto, the registered copyrights of plaintiff Cengage Learning Inc. ("Cengage"), identified on schedules C hereto, and the registered copyrights and trademarks of plaintiff The McGraw-Hill Companies, Inc. ("McGraw-Hill"), identified on schedules D and G hereto, in violation of 17 U.S.C. § 501 or 15 U.S.C. § 1114(a); and from falsely designating the origin of their products or services in violation of the rights of Pearson, Wiley, Cengage and McGraw-Hill under 15 U.S.C. § 1125(a), and (ii) infringing any copyright or trademark of Pearson, Wiley, Cengage or McGraw-Hill through the sale of any instructors' solutions manual; and it is further

ORDERED, ADJUDGED and DECREED that Ahmed Showman shall pay Pearson, Wiley, Cengage, and McGraw-Hill damages in the amount of \$44,000, payable \$8,000 forthwith, \$6,000 in 24 monthly payments of \$250 per month, beginning August 1, 2008, \$24,000 in 60 monthly payments of \$400 per month beginning August 1, 2010, and \$6,000 in 12 monthly payments of \$500 per month beginning August 1, 2015; and it is further

ORDERED, ADJUDGED and DECREED that the payments of Ahmed Showman, pursuant to the final judgment and permanent injunction, to which he has consented, are in

satisfaction of valid claims of Pearson, Wiley, Cengage and McGraw-Hill against Ahmed Showman for copyright and trademark infringement that constitute "injury" by him to Pearson, Wiley, Cengage and McGraw-Hill that falls within 11 U.S.C. § 523(a)(6), and the obligation of Ahmed Showman to make the above payments totaling \$44,000 shall not be dischargeable as a result of any petition or application that he may file under the laws of the United States, or any other country, relating to bankruptcy; and it is further

ORDERED, ADJUDGED AND DECREED that Ahmed Showman shall have the right at any time to prepay the balance remaining, in whole or in part, but that a partial prepayment shall be allocated to the last amounts due and shall not delay the monthly payments owed to Pearson, Wiley, Cengage and McGraw-Hill; and it is further

ORDERED, ADJUDGED AND DECREED that, unless Pearson, Wiley, Cengage and McGraw-Hill notify Ahmed Showman to make payment to another person, Ahmed Showman shall pay the above amounts by check payable to Dunnegan LLC Attorney Trust Account, and sent to Dunnegan LLC, 350 Fifth Avenue, New York, New York 10118, or to such other address that William Dunnegan may provide to Ahmed Showman; and it is further

ORDERED, ADJUDGED AND DECREED that if Ahmed Showman does not make a payment in accordance with the final judgment and permanent injunction, to which he has consented to the entry, within 5 business days of written notice to Ahmed Showman at the address provided below by overnight delivery or certified mail return receipt requested, or at such other address he may provide them, (i) all amounts due under this final judgment shall become immediately due and payable, (ii) Pearson, Wiley, Cengage and McGraw-Hill will be entitled, in addition to all other remedies available in law or in equity, to reopen this case to seek additional damages that they can prove they would be entitled to, including any additional attorneys' fees; (iii) Pearson, Wiley, Cengage and McGraw-Hill shall be entitled forthwith to liquidated damages of \$10,000; and (iv) Pearson, Wiley, Cengage and McGraw-Hill shall be entitled as a matter of right to their reasonable attorneys' fees in connection with the enforcement of this final judgment and permanent injunction; and it is further

ORDERED, ADJUDGED and DECREED that if Ahmed Showman changes his current residence address prior to the final payment having been made by him pursuant to this agreement, within 10 days of that change, he shall provide written notice of that change in address by U.S. Mail,

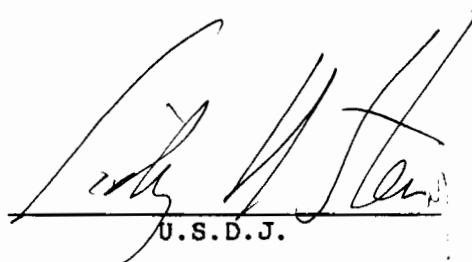
return receipt requested, to William Dunnegan at the address set forth below, or any further address William Dunnegan designates; and it is further

ORDERED, ADJUDGED and DECREED that, except as set forth herein, Pearson, Wiley, Cengage and McGraw-Hill release any and all of their claims against Ahmed Showman, and Ahmed Showman releases any and all of his claims, if any, against Pearson, Wiley, Cengage and McGraw-Hill; and it is further

ORDERED, ADJUDGED and DECREED that claims of Pearson, Wiley, Cengage and McGraw-Hill in this action be, and hereby are, dismissed with prejudice, except that the Court shall retain jurisdiction to enforce this final judgment and permanent injunction.

Dated: New York, New York

June 12, 2008



A handwritten signature in black ink, appearing to read "John J. H. [illegible]". Below the signature is a horizontal line with the initials "U.S.D.J." written in a small, stylized font.

Consent to Entry

The parties hereby consent to the entry of the foregoing final judgment and permanent injunction.

Dated: New York, New York
June 12, 2008

DUNNEGAN LLC

By William Dunnegan
William Dunnegan (WD 9316)
Megan L. Martin (MM 4396)
Attorneys for Plaintiffs
Pearson Education, Inc.
John Wiley & Sons, Inc.
Cengage Learning Inc. and
The McGraw-Hill Companies, Inc.
350 Fifth Avenue
New York, New York 10118
(212) 332-8300

Ahmed Showman
Ahmed Showman
4881 Calle Bella Avenue
Las Cruces, New Mexico 88012

**Schedule A
"Pearson Copyrights"**

Title (Date of Registration) (Registration #)

1. **Discrete-time Signal Processing Instructors' Solutions Manual, Second Edition (4/25/2005) TX0006116972.**
2. **C++: How to Program, (1/5/2001) TX0005211083.**
3. **Electric Circuits Solutions Manual, (12/07/1995) TX000416481.**

Schedule B
"Wiley Copyrights"

Title (Date of Registration) (Registration #)

1. Engineering and Chemical Thermodynamics, (1/10/2006)
TX0006301979.
2. Calculus: Single and Multivariable, (4/15/2005)
TX0006166591.

Schedule C
"Cengage Copyrights"

Title (Date of Registration) (Registration #)

1. A First Course in Differential Equations, (6/1/2001)
TX0005383053.
2. Instructor's Manual with Solutions to Accompany
College Physics by Serway & Faughn, (4/5/1995)
TX0004029933.

Schedule D
"McGraw-Hill Copyrights"

Title **Registration #** **Date of Registration**

1. **Advanced Macroeconomics**, (1/2/2001) TX0005340005.
2. **Applied Numerical Methods with MATLAB for Engineers and Scientists**, (8/5/2004) TX0006007139.

Schedule E
Pearson Trademarks

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "Pearson"	2,599,724	009, 016, 035, 042
2. "Pearson"	2,600,081	041
3. "Pearson"	2,652,792	009, 016
4. "Pearson"	2,679,355	016
5. "Pearson"	2,691,830	041
6. "Pearson"	2,694,359	009
7. "Prentice-Hall"	1,332,044	016
8. "Prentice-Hall"	1,332,639	042
9. "Prentice-Hall"	1,375,654	009
10. "Addison Wesley"	2,188,798	016
11. "Addison-Wesley"	2,400,130	016

Schedule F
Wiley Trademarks

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "JW" Colophon	2,168,941	009, 042
2. "Wiley"	1,003,988	009, 016, 036; 038
3. "Wiley"	2,159,987	009, 042

Schedule G
McGraw-Hill Trademarks

<u>U.S. Trademark</u>	<u>Registration Number</u>	<u>Class</u>
1. "McGraw-Hill"	1,350,345	16
2. "McGraw-Hill"	2,899,528	16, 41
3. "The McGraw-Hill Companies"	3,103,212	9,16,35,36,37, 38,39,40,41,42
4. "Irwin"	1,718,118	16

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

Date:

In Re:

-v-

Case #: ()

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$450.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

by: _____

, Deputy Clerk

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

X

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X

NOTICE OF APPEAL

civ.

()

Notice is hereby given that _____
(party)
hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment [describe it]

entered in this action on the _____ day of _____, _____
(day) (month) (year)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form to take an appeal provided that it is received by the office of the Clerk of the District Court within 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 1

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

X

**MOTION FOR EXTENSION OF TIME
TO FILE A NOTICE OF APPEAL**

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X

Pursuant to Fed. R. App. P. 4(a)(5), _____ respectfully
(party)
requests leave to file the within notice of appeal out of time. _____
(party)
desires to appeal the judgment in this action entered on _____ but failed to file a
(day)
notice of appeal within the required number of days because:

[Explain here the "excusable neglect" or "good cause" which led to your failure to file a notice of appeal within the required number of days.]

(Signature)

(Address)

(City, State and Zip Code)

Date: _____

() _____
(Telephone Number)

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

APPEAL FORMS

Docket Support Unit

Revised: April 9, 2006

FORM 2

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

X

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NOTICE OF APPEAL
AND
MOTION FOR EXTENSION OF TIME

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X

1. Notice is hereby given that _____ hereby appeals to
(party)
the United States Court of Appeals for the Second Circuit from the judgment entered on _____
[Give a description of the judgment]

2. In the event that this form was not received in the Clerk's office within the required time
respectfully requests the court to grant an extension of time in
(party)
accordance with Fed. R. App. P. 4(a)(5).

a. In support of this request, _____ states that
(party)
this Court's judgment was received on _____ and that this form was mailed to the
(date)
court on _____
(date)

(Signature)

(Address)

(City, State and Zip Code)

Date: _____ () _____
(Telephone Number)

Note: You may use this form if you are mailing your notice of appeal and are not sure the Clerk of the District Court will receive it within the 30 days of the date on which the judgment was entered (60 days if the United States or an officer or agency of the United States is a party).

FORM 3

**United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213**

X

AFFIRMATION OF SERVICE

-V-

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X

I, _____, declare under penalty of perjury that I have
served a copy of the attached _____

upon _____

whose address is: _____

Date: _____
New York, New York

_____ (Signature)

_____ (Address)

_____ (City, State and Zip Code)